

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of December 10, 2004, in which the Examiner (1) rejected claim 1 under 35 U.S.C. 101 as being directed to non-statutory subject matter; (2) rejected claims 9-11 under 35 U.S.C. 112, second paragraph as being indefinite; and (3) rejected claims 1-22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,324,266 ("**Mannings**")

By the present Amendment, claims 1, 9 and 10 and have been amended. Also, claims 21 and 22 have been re-numbered (there were originally presented two claims numbered as "21").

As to the rejection of claim 1 under 35 U.S.C. 101, the preamble of claim 1 has been amended to now recite that the method is in connection with "a computerized data-gathering system for gathering data from a plurality of data sources." Further, the steps of "inviting telephone responses" and "inviting Internet responses" are each now recited as providing a "data source". With such amendments, Claim 1 is believed to clearly recite statutory subject matter since it now concerns a method used in a computerized system having several steps that involve components of the system.

As to the rejection of claims 9, 10 and 11 under 35 U.S.C. §112, Applicant has amended claim 9 to change the term "database to "data bank" (such amendment to claim 9 is also believed to overcome the rejection of claim 11), and has amended claim 10 to change the term "channel" to "path".

As to the rejection of the claims under 35 U.S.C. §102(e), Applicant respectfully traverses such rejection. **Mannings**, the reference relied on by the Examiner, discloses an audience voting system where votes are cast using the keys of cordless telephones 1 (col. 6, lines 64 - 67). A computer 5 receives the voting information and stores it in a store 55 for subsequent retrieval. The computer 5 also generates a graphical output display that can be posted to website that is accessed by a computer 6 so that collected data may be viewed by the audience or by others requiring the data (col. 3, lines 29 - 46). Voting data may be collated with a user profile

unit 44 in order to identify each caller (using "calling line identify") and ensure that only one vote is received from each phone (col. 6, lines 44 - 56).

Mannings does not disclose a method for collecting data from two sources, namely "inviting telephone responses as one data source" and "inviting Internet responses as a different data source", as recited in claim 1. Further, **Mannings** does not disclose "preventing duplicate telephone responses" and "preventing duplicate Internet responses" as in claim 1. In fact, **Mannings** only provides one source of data gathering, namely through the use of cordless telephone devices. While a website and a computer 6 may be used access the data for display, such an arrangement is used for output display, not gathering data. Thus, the subject matter of claim 1 is not taught, shown or suggested by **Mannings**.

Nor does **Mannings** teach, show or suggest the subject matter of the dependent claims 2 - 23, which recite limitations in addition to those of claim 1. As examples only, claims 2 - 7 recite further processing and analyzing steps, including "merging telephone and Internet responses (claim 4), "identifying a respondent" (claim 5) and "notifying the identified respondent" (claim 6). Claims 11 and 12 recite "capturing cookie information" and "identifying the number of Internet responses". **Mannings** clearly does not teach, show or suggest such additional limitations, since among other things, it does not have a system for gathering data from both telephone and Internet data sources.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/773,085

PATENT

Amdt. dated January 4, 2005

Reply to Office Action of December 10, 2004

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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